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UNITED STATES DEPARTMENT OF AGRICULTURE
Production and Marketing Administration
Grain Branch
Washington 25, D. C.

PROSECUTIONS AND SEIZURES UNDER THE FEDERAL SEED ACT
(July 1, 1948, to December 31, 1948 (175-189))

175. False labeling and failure to label vegetable seed. U. S. v. David S. Wright, doing business as the Lake Shore Seed Company, Dunkirk, New York. Plea of guilty. Fine of \$2,000 on one count, sentence on two counts deferred. (F. S. 486).

Lake Shore Seed Company, Dunkirk, New York, transported and delivered for transportation in interstate commerce from Dunkirk, New York, between December 1, 1945 and March 30, 1946, to dealers in Pennsylvania and Delaware approximately 3,575 display cases of vegetable seeds in packets.

Information was filed in the District Court of the United States for the Western District of New York alleging that the Lake Shore Seed Company unlawfully transported and delivered for transportation in interstate commerce the above-mentioned shipments of seed in violation of the Federal Seed Act.

Twenty-six kinds and varieties of vegetable seeds contained in these shipments were found to be below the standards for germination provided for under the Federal Seed Act and the labeling failed to show the germination percentage, the date of the germination test, and the words, "Below Standard." Among the low germinating seeds were celery seeds that germinated 25 percent, parsnip seeds that germinated 12 percent, lettuce seeds that germinated 11 percent, and onion seeds that germinated 6 percent. Twenty-four varieties of vegetable seeds when grown were found to be falsely labeled with respect to the name of the variety.

On July 19, 1948, David S. Wright, doing business as the Lake Shore Seed Company, Dunkirk, New York, entered a plea of guilty. The Court imposed a fine of \$2,000 on one count and deferred sentence on two remaining counts.

176. False labeling and failure to label vegetable seed, U. S. v. Hamilton G. Pedrick, Sr., doing business as George R. Pedrick and Sons, Pedricktown, New Jersey. Found guilty. Fine \$500. (F. S. 490).

George R. Pedrick and Sons, Pedricktown, New Jersey on January 27, 1947, delivered for transportation in interstate commerce from Pedricktown, New Jersey, to Georgetown, Delaware, three bags of garden bean seed and one bag of garden pea seed.

Information was filed in the District Court of the United States for the District of New Jersey alleging that George R. Pedrick and Sons unlawfully delivered for transportation in interstate commerce the above-mentioned shipment of seed in violation of the Federal Seed Act.

Labels attached to the bags represented the garden bean seed to have a germination of 90 percent and the garden pea seed to have a germination of 84 percent; whereas, the garden bean seed was found to have a germination of 47 percent with 2 percent hard seeds remaining and the garden pea seed was found to have a germination of 5 percent. In addition to the false labeling as to germination, the labels attached to the bags failed to show the words "Below Standard" as required under the Federal Seed Act for vegetable seed which germinates below the standards established under the act. The germination standard established for garden bean seed is 75 percent and for garden pea seed, 80 percent.

On December 2, 1948, the case came to trial and the jury returned a verdict of guilty. On December 10, 1948, the Court imposed a fine of \$500.

177. False labeling and failure to label garden bean seed. U. S. v. 23 bags of garden bean seed. Seed seized and relabeled to comply with the Federal Seed Act. (F. S. 498).

F. H. Woodruff and Sons, Inc., Atlanta, Georgia, on or about January 7, 1948, delivered for transportation in interstate commerce from Jerome, Idaho, to Birmingham, Alabama, 25 bags of garden bean seed.

A libel was filed in the District Court of the United States for the Northern District of Alabama praying seizure of 23 bags, more or less, of this seed and alleging same to be falsely labeled with respect to the percentage of germination and not labeled to show the words "Below Standard" in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to have a germination of 82 percent; whereas, the seed was found to have a germination of 63 percent. The labels did not show the words "Below Standard" as required for vegetable seed germinating below the standards established under the Federal Seed Act. The germination standard established for garden bean seed is 75 percent. The seed was seized by the United States marshal.

On May 4, 1948, the seed was released to the claimant under bond to be relabeled to comply with the Federal Seed Act.

178. False labeling of sorghum seed. U. S. v. Kearns Grain and Seed Company, Inc., Amarillo, Texas. Plea of guilty. Fine \$150. (F. S. 503).

Kearns Grain and Seed Company, Inc., Amarillo, Texas, on or about March 19, 1947, delivered for transportation in interstate commerce from Amarillo, Texas, to Clinton, Oklahoma, 40 bags of each of two different lots of sorghum seed.

Information was filed in the District Court of the United States for the Northern District of Texas alleging that the Kearns Grain and Seed Company, Inc., Amarillo, Texas, did unlawfully deliver for transportation in interstate commerce said shipments of seed in violation of the Federal Seed Act. The violations were as follows:

1. Labels attached to the bags in one lot of sorghum seed represented the seed to have a germination of 80 percent; whereas, the seed was found to have a germination of 49 percent.
2. Labels attached to the bags in the other lot of sorghum seed represented the seed to have a germination of 85 percent; whereas, the seed was found to have a germination of 40 percent.

On September 20, 1948, the Kearns Grain and Seed Company, Inc., Amarillo, Texas, entered a plea of guilty and the Court imposed a fine of \$150.

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179. False labeling and failure to label mixed clover seed. U. S. v. 119 bags of mixed clover seed. Excessive noxious-weed seeds. Seed seized and released to the claimant to be brought into compliance with the Federal Seed Act. (F. S. 506).

Transcontinental Seed, Inc., New York, New York, delivered for transportation in interstate commerce from Jersey City, New Jersey, to Baton Rouge, Louisiana, 119 bags of mixed clover seed on or about March 21, 1948.

A libel was filed in the District Court of the United States in the Eastern District of Louisiana praying seizure of this seed and alleging same to be not labeled as required under the Federal Seed Act and to be prohibited from shipment into the State of Louisiana. The violations were as follows:

1. Labels attached to 36 bags of this seed failed to indicate the presence of noxious-weed seeds; whereas, the seed was found to contain the noxious-weed seed sheep sorrel and buckhorn plantain, at the rate of 3,429 and 108 per pound, respectively.
2. Labels attached to 40 bags of this seed represented the seed to contain the noxious-weed seed, sorrel, at the rate of 198 per pound; whereas, the seed was found to contain sheep sorrel seeds at the rate of 2,115 per pound.
3. Labels attached to 10 bags of this seed failed to indicate the presence of noxious-weed seeds; whereas, the seed was found to contain the noxious-weed seed, sheep sorrel, at the rate of 1,630 per pound.
4. Labels attached to 7 bags of this seed represented the seed to contain the noxious-weed seed, buckhorn plantain, at the rate of 453 per pound; whereas, the seed was found to contain the noxious-weed seeds, sheep sorrel and buckhorn plantain, at the rate of 408 and 549 per pound, respectively.

5. Labels attached to 12 bags of this seed failed to indicate the presence of noxious-weed seeds; whereas, a sample representing the seed was found to contain the noxious-weed seed, sheep sorrel, at the rate of 3,420 per pound.
6. Labels attached to 14 bags of this seed represented the seed to contain the noxious-weed seed, sorrel, at the rate of 387 per pound; whereas, a sample representing the seed was found to contain the noxious-weed seed, sheep sorrel, at the rate of 1,548 per pound.

The 119 bags of seed contained noxious-weed seeds at a rate in excess of 500 per pound. Agricultural seed containing in excess of 500 noxious-weed seeds is prohibited from sale in the State of Louisiana and therefore prohibited from shipment into that State under the Federal Seed Act. The seed was seized by the United States marshal.

On July 21, 1948, the seed was released to the claimant to be brought into compliance with the Federal Seed Act.

180. False labeling and failure to label timothy and alsike seed, crested wheatgrass seed, and red clover seed. U. S. v. Great Plains Seed Company, Inc., Sioux Falls, South Dakota. Plea of guilty. Fine \$125. (F. S. 507).

Great Plains Seed Company, Sioux Falls, South Dakota, in December 1946 and January and February 1947 transported and delivered for transportation in interstate commerce from Sioux Falls, South Dakota, to dealers in Minnesota, a total of seven bags of timothy and alsike seed, six bags of crested wheatgrass seed, and nine bags of red clover seed in five separate shipments.

Information was filed in the District Court of the United States for South Dakota alleging that the Great Plains Seed Company transported and delivered for transportation in interstate commerce the above-mentioned shipments of seed in violation of the Federal Seed Act. The violations were as follows:

1. A shipment of two bags of timothy and alsike seed made in December 1946 to Windom, Minnesota, was not labeled to indicate the presence of noxious-weed seeds; whereas, the seed was found to contain the noxious-weed seed, Frenchweed, at the rate of 54 per pound.
2. A shipment of six bags of crested wheatgrass seed made in December 1946 to Madelia, Minnesota, was labeled, in part, "PURITY 89.38% - INERT 7.38"; whereas, the seed was found to consist, in part, of 79.46 percent pure seed and 17.52 percent inert matter.
3. A shipment of five bags of timothy and alsike clover seed made in December 1946 to Fairmont, Minnesota, was not labeled to show the presence of noxious-weed seeds; whereas, the seed was found to contain the noxious-weed seed, Frenchweed, at the rate of 36 per pound.

4. A shipment of five bags of red clover seed made in January 1947 to Russell, Minnesota, was labeled, in part, "NOXIOUS NONE"; whereas, the seed was found to contain dodder seeds at the rate of 27 per pound.
5. A shipment of four bags of red clover seed made in February 1947 to Lismore, Minnesota, was labeled, in part, "NOXIOUS TRACE OF SORREL"; whereas, the seed was found to contain the noxious-weed seed, buckhorn plantain, at the rate of 108 per pound. Agricultural seeds containing in excess of 25 buckhorn plantain seeds per pound are prohibited from sale in the State of Minnesota and therefore prohibited from shipment into that State under the Federal Seed Act.

On July 7, 1948, the Great Plains Seed Company, Sioux Falls, South Dakota, entered a plea of guilty and the Court imposed a fine of \$125.

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181. False labeling of cowpea seed. U. S. v. 10 bags cowpea seed. Seed seized and destroyed. (F. S. 509).

W. H. Robinson, Inc., Cairo, Georgia, on or about April 5, 1948, transported in interstate commerce from Cairo, Georgia, to Atmore, Alabama, 10 bags of cowpea seed.

A libel was filed in the District Court of the United States for the Southern District of Alabama praying seizure of this seed and alleging same to be falsely labeled in violation of the Federal Seed Act.

Labels attached to the bags bore, in part, the statement, "GERMINATION 85% OR BETTER - HARD SEED 00.00%"; whereas, the seed was found to have a germination of 51 percent with 7 percent hard seed remaining. The seed was seized by the United States Marshal.

On September 17, 1948, no claimant having appeared, the Court ordered the seed destroyed.

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182. False labeling of corn seed. U. S. v. five bags of corn seed. Seed seized and released to a public institution. (F. S. 510).

T. W. Wood and Sons, Richmond, Virginia, on or about February 18, 1948, delivered for transportation in interstate commerce from Richmond, Virginia, to Tuscaloosa, Alabama, five bags of corn seed.

A libel was filed in the District Court of the United States for the Middle District of Alabama praying seizure of this seed and alleging same to be falsely labeled in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to have a germination of 85 percent; whereas, the seed was found to have a germination of 41 percent. The seed was seized by the United States marshal.

On August 18, 1948, no claimant having appeared, the Court ordered the seed turned over to a public institution.

183. False labeling and failure to label lespedeza seed. U. S. v. seven bags of lespedeza seed. Seed seized and destroyed. (F. S. 511).

Wallace Seed Company, Jackson, Tennessee, on or about February 9, 1948, transported in interstate commerce from Jackson, Tennessee, to Epps, Louisiana, 200 bags of lespedeza seed.

A libel was filed in the District Court of the United States for the Western District of Louisiana praying seizure of seven bags of this seed and alleging same to be falsely labeled and not completely labeled in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to consist, in part, of 0.25 percent weed seed; whereas, the seed was found to consist, in part, of 3.20 percent weed seed. Labels attached to the bags represented the seed to have a germination of 68 percent and 22 percent hard seed or a total germination and hard seed percentage of 90; whereas, the seed was found to have a germination of 73 percent with 3 percent hard seed remaining, or a total germination and hard seed percentage of 76. Labels attached to the bags also failed to indicate the presence of the noxious-weed seed, dodder; whereas, the seed was found to contain dodder seeds at the rate of 99 per pound. The seed was seized by the United States marshal.

On October 8, 1948, no claimant having appeared, the Court ordered the seed destroyed.

184. False labeling of collard seed. U. S. v. four bags of collard seed. Seed seized and released to a public institution. (F. S. 513).

Nicholson's Seed and Fertilizer Store, Cairo, Georgia, on or about June 29, 1948, delivered for transportation in interstate commerce from Cairo, Georgia, to Dothan, Alabama, eight bags of collard seed.

A libel was filed in the District Court of the United States for the Middle District of Alabama praying seizure of four bags of this seed and alleging same to be falsely labeled in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to have a germination of 81 percent; whereas, the seed was found to have a germination of 57 percent. The seed was seized by the United States marshal.

On October 1, 1948, no claimant having appeared, the Court ordered the seed turned over to a public institution to be used for planting purposes or for hog feed.

185. False labeling of collard seed. U. S. v. three bags of collard seed. Seed seized and released to a public institution. (F. S. 514).

Nicholson's Seed and Fertilizer Store, Cairo, Georgia, on or about May 7, 1948, delivered for transportation in interstate commerce from Cairo, Georgia, to Montgomery, Alabama, three bags of collard seed.

A libel was filed in the District Court of the United States for the Middle District of Alabama praying seizure of this seed and alleging same to be falsely labeled in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to have a germination of 85 percent; whereas, the seed was found to have a germination of 48 percent. The seed was seized by the United States marshal.

On October 1, 1948, no claimant having appeared, the Court ordered the seed turned over to a public institution to be used for planting purposes or for hog feed.

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186. False labeling and failure to label garden bean seed. U. S. v. F. H. Woodruff & Sons, Milford, Connecticut. Plea of nolo contendere. Fine \$30. (F. S. 517).

F. H. Woodruff and Sons, Inc., Milford, Connecticut, in February and March 1947 delivered for transportation in interstate commerce from Milford, Connecticut, to Lowell and Lawrence, Massachusetts, a total of eight bags of garden bean seed.

Information was filed in the District Court of the United States for the District of Connecticut alleging that F. H. Woodruff and Sons, Inc., unlawfully delivered for transportation in interstate commerce the above-mentioned shipments of seed. The violations were as follows:

1. A shipment of five bags of "Plentiful" garden bean seed made in February 1947 to Lowell, Massachusetts, was labeled to show a germination of 90 percent; whereas, the seed was found to have a germination of 57 percent.
2. A shipment of two bags of "Top Notch Golden Wax" garden bean seed made in March 1947 to Lawrence, Massachusetts, was labeled to show a germination of 90 percent; whereas, the seed was found to have a germination of 45 percent.
3. A shipment of one bag of "Davis Stringless Wax" garden bean seed made in March 1947 to Lawrence, Massachusetts, was labeled to show a germination of 90 percent; whereas, a sample representing the seed was found to have a germination of 68 percent.

The labels attached to the bags in all of these shipments failed to show the words "Below Standard" as required under the Federal Seed Act for vegetable seeds which have a germination less than the standards provided under the act. The germination standard for garden bean seed is 75 percent.

On October 18, 1948, F. H. Woodruff and Sons, Milford, Connecticut, entered a plea of nolo contendere and the Court imposed a fine of \$30.

187. False labeling and failure to label lespedeza seed. U. S. v. R. Andy Largen, Paul Hancock, and L. D. Lane, doing business as the Largen Lespedeza Company, Fayetteville, Tennessee. Plea of nolo contendere. Fine \$100 and costs. (F. S. 518).

Largen Lespedeza Company, Fayetteville, Tennessee, in November 1946 and January 1947 delivered for transportation in interstate commerce from Fayetteville, Tennessee, to McAlester and Wagoner, Oklahoma, a total of 520 bags of lespedeza seed.

Information was filed in the District Court of the United States for the Middle District of Tennessee alleging that the Largen Lespedeza Company, Fayetteville, Tennessee, unlawfully delivered for transportation in interstate commerce the above-mentioned shipments of seed. The violations were as follows:

1. A shipment of 300 bags of lespedeza seed made to McAlester, Oklahoma, in November 1946 was represented to consist, in part, of 98.62 percent pure seed, 0.24 percent other crop seed, and 0.20 percent inert matter; whereas, the seed was found to consist, in part, of 94.60 percent pure seed, 3.40 percent other crop seed, and 0.80 percent inert matter. In addition, the labels attached to the bags failed to indicate the presence of the noxious-weed seed, bracted plantain; whereas, the seed was found to contain bracted plantain seeds at the rate of 1,944 per pound.
2. A shipment of 200 bags of lespedeza seed made to McAlester, Oklahoma, in November 1946 was represented to contain the noxious-weed seed, dodder, at the rate of 64 per pound and failed to indicate the presence of any other noxious-weed seeds; whereas, the seed was found to contain the noxious-weed seeds, dodder, chess, and bracted plantain, at the rates of 369, 63, and 45 per pound, respectively.
3. A shipment of 20 bags of lespedeza seed made to Wagoner, Oklahoma, in January 1947 was not labeled to indicate the presence of the noxious-weed seed, bracted plantain; whereas, the seed was found to contain bracted plantain seeds at the rate of 783 per pound.

On October 18, 1948, R. Andy Largen, Paul Hancock, and L. D. Lane, doing business as the Largen Lespedeza Company, Fayetteville, Tennessee, entered a plea of nolo contendere to the three counts and the Court imposed a fine of \$100 and costs.

188. False labeling and failure to label alfalfa seed, alsike clover seed, red clover seed and redtop seed. U. S. v. M. G. Stoller, operating as Stoller's Seeds, Paulding, Ohio. Plea of guilty. Fine \$1,000 and costs. (F. S. 519).

M. G. Stoller, Paulding, Ohio, in March and November 1947 delivered for transportation in interstate commerce from Paulding, Ohio, to Bloomington, Indiana, and Marshall, Missouri, 10 bags of alfalfa seed, 10 bags of red clover seed, 5 bags of redtop seed and a total of 20 bags of alsike clover seed.

Information was filed in the District Court of the United States for the Northern District of Ohio alleging that M. G. Stoller had delivered for transportation in interstate commerce the above-mentioned shipments of seed in violation of the Federal Seed Act. The violations were as follows:

1. A shipment of 10 bags of alfalfa seed made in March 1947 to Bloomington, Indiana, was not labeled to indicate the presence of noxious-weed seeds; whereas, the noxious-weed seed, dodder, was found to be present at the rate of 45 per pound.
2. A shipment of five bags of alsike clover seed made in March 1947 to Bloomington, Indiana, was not labeled to indicate the presence of noxious-weed seeds; whereas, the seed was found to contain the noxious-weed seeds, bitter wintercress, field peppergrass, common plantain, curled dock, and dodder, at the rate of 2,979, 117, 81, 81, and 27 per pound, respectively.
3. A shipment of 10 bags of red clover seed made in March 1947 to Bloomington, Indiana, was labeled, in part, 0.10 percent inert matter; whereas, the seed was found to consist, in part, of 1.03 percent inert matter. Labels attached to the bags failed to indicate the presence of noxious-weed seeds; whereas, the seed was found to contain the noxious-weed seeds, common plantain, field peppergrass, and curled dock at the rate of 799, 154, and 63 per pound, respectively.
4. A shipment of five bags of redtop seed made in March 1947 to Bloomington, Indiana, was labeled, in part, 98 percent pure seed, 0.14 percent crop seed, 1.66 percent inert matter; and 0.20 percent weed seed; whereas, the seed was found to consist, in part, of 89.66 percent pure seed, 3.16 percent other crop seed, 5.94 percent inert matter, and 1.24 percent weed seed. Labels attached to the bags failed to indicate the presence of noxious-weed seeds; whereas, the seed was found to contain the noxious-weed seed, common plantain, at the rate of 5,490 per pound.

5. A shipment of 20 bags of alsike clover seed made in November 1947 to Marshall, Missouri, was labeled, in part, to consist of 98 percent pure seed and 0.40 percent inert matter; whereas, the seed was found to contain, in part, 95.10 percent pure seed and 4.50 percent inert matter. Labels attached to the bags failed to indicate the presence of noxious-weed seeds; whereas, the seed was found to contain the noxious-weed seed, Canada thistle, at the rate of 81 per pound. Agricultural seeds containing Canada thistle seeds are prohibited from sale in the State of Missouri and therefore prohibited from shipment into that State under the Federal Seed Act.

On December 9, 1948, M. G. Stoller, doing business as Stoller's Seeds, Paulding, Ohio, entered a plea of guilty and the Court imposed a fine of \$200 on each of the five counts, or a total of \$1,000 and costs.

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189. False labeling of lupine seed. U. S. v 750 bags of blue lupine seed. Seed seized and released to claimant to be brought into compliance with the Federal Seed Act. (F. S. 520).

Valda Wooten, McRae, Georgia, on or about September 8, 9, and 11, 1948, delivered for transportation in interstate commerce from McRae, Georgia, to Dothan, Alabama, 750 bags of lupine seed.

A libel was filed in the District Court of the United States for the Middle District of Alabama praying seizure of this seed and alleging same to be falsely labeled in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to have a germination of 85 percent; whereas, various parts of the "lot of seed" were found to have germinations ranging from 26 percent to 95 percent. Five hundred fifty-six bags of the seed were seized by the United States marshal.

On October 22, 1948, the seed was released to the claimant to be brought into compliance with the Federal Seed Act.

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